



City of Albuquerque

Office of Internal Audit

FOLLOW-UP

INSPECTION OF PUBLIC RECORDS ACT AUDIT

Report #17-14-101F

October 25, 2017

INTRODUCTION

The Office of Internal Audit (OIA) performed a follow-up of Audit No. 14-101, Inspection of Public Records Act during fiscal year (FY) 2017. The purpose of this follow-up is to report on the progress made by the Office of the City Clerk in addressing the audit's findings and recommendations. Our follow-up procedures rely on the department providing the status of the recommendations.

A follow-up is substantially less in scope than an audit. The objective is to report on the status of corrective action regarding the audit's findings and recommendations.

We limited our scope to actions taken to address the audit recommendations from the final audit report dated October 29, 2014 through the submission of actions on April 12, 2017.

BACKGROUND

The New Mexico State Legislature enacted Chapter 14, Article 2 NMSA 1978, to create the Inspection of Public Records Act (IPRA). The legislation states, "a representative government is dependent upon an informed electorate...." The Legislature wanted to ensure access by citizens to the greatest possible information regarding the affairs of government and the official acts of public officers and employees.

Compliance with IPRA is an unfunded mandate in the State of New Mexico. According to the State Statute, the City of Albuquerque (City) cannot charge a fee for determining if a record is subject to disclosure. However, the City can recover certain allowed resource costs associated with record reproduction.

As the City's designated Chief Records Custodian, the City Clerk is responsible for ensuring compliance with IPRA. The City Clerk is the central contact for all IPRA requests, yet any city employee can receive a request. Each employee has the duty to inform the City Clerk of the request and provide records he or she maintains. The graphic below is a simplified understanding of the IPRA request process.



SUMMARY

Of the four recommendations addressed in the original audit report, two have been fully implemented and two are in process.

The status of the recommendations is identified by the symbols in the following legend:



Fully Implemented



Resolved



In Process



Not Implemented

Recommendation #1 The City Clerk should:

- Create a standard process to capture and document the impact that IPRA compliance has on the City by:
 - Requiring that Custodians track all IPRA requests.
 - Requiring that Custodians track all costs associated with processing IPRA requests, including the unrecoverable costs.
- Annually report to the City Administration and City Council on the impact of IPRA compliance.

Response: *“The Office of the City Clerk agrees that we need a more streamlined system to track all IPRA requests to ensure that they are in compliance with the IPRA Act and to track the citywide direct and indirect impact of all requests. The Office of the City Clerk, ITSD and Legal departments are currently performing a needs assessment with the goal of purchasing an automated records tracking system to ensure the City of Albuquerque will be in compliance for all IPRA requests in the future. We will also be requiring quarterly reports from each custodian so we can track all costs associated with IPRA requests. We will be working with the vendor on system functionality and processes for tracking all costs associated with IPRA requests.”*

Estimated Completion Date: *“July 2015.”*

Status Reported by the City Clerk: “The Office of the City Clerk launched a new web based portal, www.ABQRecords.cabq.gov to accommodate requests made through New Mexico’s Inspection of Public Records Act (IPRA). ABQ Records provides a convenient platform engineered by Next Request, for citizens to submit requests for public records, receive real time updates on their requests, and subscribe to other requests. Internally, the system provides tracking and monitoring for improved efficiency and responsiveness to each request. Records Custodians are required to add staff costs to each request to keep track of unrecoverable costs. The Office of the City Clerk is working with DTI to provide a dashboard with data from the Next Request system to provide monthly and annual statistics. Records Custodians from each department and their alternates have been trained to use the Next Request System, participate in monthly meetings and regular training sessions for updated functionality and processes.”



In Process

The Office of the City Clerk has created a standard process to capture and document the impact of IPRA compliance on the City. However, annual reports on the impact of IPRA have not yet been generated and provided to the City Administration and City Council.

Recommendation #2 The City Clerk should:

- Implement a system to track IPRA requests received by the City. The system should capture at a minimum:
 - The method used to request information, i.e. verbal, written, email, telephonic;
 - Name of the requester;
 - The date, time, and information requested;
 - The City employee receiving the request;
 - All employees who work on the request and the length of time each spends;
 - All communications sent to the requester, including the date and time;
 - How the request is fulfilled, i.e. via paper, electronic media, etc.;
 - The number of records mailed, emailed, viewed, copies provided vs. pages pulled;
 - The required deadlines for each request; and
 - The cost of all resources used to complete the request, and any cost recoveries.
- Work with City departments to determine types of data the City could proactively publish to the City's website to assist in decreasing the number of IPRA requests by directing requesters to a website for frequently requested items. Explore the possibility of installing terminals in customer service areas to allow public access to public information.
- Publish IPRA requests and responsive records in a format that is searchable by both City employees and the public.

Response: *“The Office of the City Clerk agrees with the recommendations. The City Clerk and staff will update IPRA procedures and develop an interim tracking mechanism that includes the requirements listed. The interim system will remain in place until the automated software system is purchased and installed. Training will be conducted for all records custodians, backup custodians, and their Division Heads will create consistent processes and allow the IPRA process to run smoothly and efficiently.*

“The City Clerk will work with ITSD and City departments to review IPRA requests with the goal of publishing data frequently requested on the City website and via open data to reduce the number of IPRA requests.”

Estimated Completion Date: *“April 2015”*

Status Reported by the City Clerk: “The City began testing the ABQ Records online portal in August 2015 with three pilot departments and then expanded it internally to the rest of the City departments in November 2015. In July, 2016, the system was opened to the public to make requests and in March of 2017 the City began uploading and providing responsive records directly through the ABQ Records portal. The online system captures all the requirements outlined as per the Internal Audit recommendations.

“DTI has created an Open Data Team with Data Coordinator representatives from various departments to determine the types of data that the City could proactively publish to the City’s website.

“The City Clerk is utilizing a phased approach for system functionality and processes. While the system is currently open to the public, the next phase slated for the second quarter of FY/18 will include an analysis of the search function for both internal and external customers.”



Fully Implemented

The Office of the City Clerk has implemented a system to track and publish IPRA requests and the requests are searchable by both City employees and the public. Work with City departments identified smart alert keywords to point requesters to information published on City or other governmental websites.

Recommendation #3 The City Clerk should:

- Work with the IPRA/Codification Specialist to:
 - Recommend updates to the Ordinance and AI 1-7.
 - Update IPRA Procedures.
 - Provide training as soon as possible and ensure Custodians are given a copy of the updated IPRA Procedures.
 - Request that all Directors evaluate their current and back-up Custodians and provide changes if needed.
 - Develop and require the use of standard templates for the required letters.
- Develop an automated training and certification process for Custodians.

Response: *“The Office of the City Clerk agrees to create a consistent IPRA process to deliver to the Records Custodians, backup Records Custodians, Division Heads, and Directors to ensure that they are all following the proper City Clerk Procedures. The Clerks Office will evaluate each Records Custodians on their performance towards compliance along with tracking of IPRA’s and their costs.*

“The IPRA Specialist will provide templates from the IPRA Compliance Guide to the Records Custodians via email and/or training. This training will be conducted on an annual basis, beginning December 2014.”

Estimated Completion Date: *“April 2015”*

Status Reported by the City Clerk:

- “AI 1-7 has been updated and is under Legal review.
- Work Flow Processes, Work Instructions and Statements of Clarification have been created for each process and records custodians in each department receive monthly updates and training. The Records Custodians have access to a share point site which includes a calendar, all training materials, workflow processes and statements of clarification <http://sharepoint.cabq.gov/cc/COAIPRA/default.aspx>.
- All Directors have reviewed and assigned Records Custodians and back-up Records Custodians.
- Standard templates have been created and are in the system.
- The option for an automated training and certification process will be explored in the next phase, late 2017. We currently hold monthly Records Custodian Group meetings and provide verbal and hands-on in-person training.”



In Process

The Office of the City Clerk has made information available on a SharePoint site where department Records Custodians can access available work flow processes, work instructions, statements of clarification and templates to assist in providing requested records timely. However, the City Clerk will request updates to the Ordinance once there is a fully documented IPRA process and the changes to Administrative Instruction 1-7 are approved. Fully automated training is not a viable option due to the hands on training required to use the system, though parts of the training could be automated, and a certification process is still being explored.

Recommendation #4 The City Clerk should:

- Update the IPRA Procedures to include a retention period and a list of items that must be retained including:
 - The original request, preferably date stamped,
 - A copy of the dated acknowledgement letter sent to the requester,
 - If needed, a copy of the dated three day letter,
 - If needed, a copy of the dated request for additional time for items that have been determined to be excessively broad or burdensome,
 - If denied, the City Attorney’s letter to the requester stating the reason for the denial, and the names and positions of all individuals responsible for the denial, and
 - A copy of the records provided (can be electronic).
- Develop a checklist for Custodians to complete to determine if a request should be denied. Require the checklist be maintained with other supporting documents.

Response: *“The Office of the City Clerk agrees that failure to follow compliance of IPRA will result in consequences that will cost the City and tax payers more money. As noted*

above, updated processes and procedures will be presented to all Directors, Division Heads, Records Custodians and backup Records Custodians, which will address the bulleted items in Recommendation #4. The IPRA Specialist will create a checklist of exceptions for Records Custodians to follow before denying a request.”

Estimated Completion Date: *“Training will take place on December 5, 2014.*

“The checklist will be created by December 5, 2014 to be provided in the training.”

Status Reported by the City Clerk: “The items listed are currently maintained and stored in the on-line records request system. Data can be extracted as needed.

“A workflow process and statement of clarification has been created for full and partial denials of IPRA requests. This can be found on the share point site.”



Fully Implemented

The Office of the City Clerk purchased and implemented software that enables the City to retain all documentation for IPRA requests, including the original request and any communications with the requester. In addition, the department records custodians now have a checklist to follow, which includes a section covering denials.

SUBMITTED:

Principal Auditor

REVIEWED:

Contract Auditor

APPROVED:

Lawrence L. Davis, Acting City Auditor
Office of Internal Audit

APPROVED FOR PUBLICATION:

Chairperson, Accountability in
Government Oversight Committee